

AMENDED IN SENATE JANUARY 14, 2004

AMENDED IN SENATE JANUARY 5, 2004

SENATE BILL

No. 914

Introduced by Senators Bowen, Escutia, Kuehl, and Speier

February 21, 2003

An act to ~~repeal Sections 124250 and 124251 of the Health and Safety Code, to add Section 13823.13 to, and to repeal Sections 13823.15, 13823.16, 13823.3, 13837, and 13838 of, the Penal Code, relating to domestic violence, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 914, as amended, Bowen. State Department of Health Services: domestic violence prevention grant program.

~~The Office of Criminal Justice Planning was abolished in 2003, and the authority for administering. Existing law requires the Director of Finance to designate an agency or agencies to carry out the functions of the office. The Office of Criminal Justice Planning formerly administered certain grant programs relating to victims of domestic violence and sex offenses that were administered by that office are transferred to the Office of Emergency Services.~~

This bill would state the intent of the Legislature that victims' services programs that were administered by the Office of Criminal Justice Planning be temporarily redirected to the Office of Emergency Services, and that certain programs involving domestic violence and sexual assault be permanently consolidated in one program within a state agency to be created and referred to as the Office for Victim Services. The bill would revise the administration of certain grant

programs relating to victims of domestic violence and sex offenses as administered by the Office of Emergency Services, ~~and express the intent of the Legislature that administration of the programs be eventually transferred to the Office of Victim Services, an office to be created by future legislation.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 124250 of the Health and Safety Code~~
2 ~~is repealed.~~
3 ~~SEC. 2. Section 124251 of the Health and Safety Code is~~
4 ~~repealed.~~
5 ~~SEC. 3. Section 13823.13 is added to the Penal Code, to read:~~
6 ~~13823.13. (a)~~
7 ~~SECTION 1. It is the intent of the Legislature that victims'~~
8 ~~services programs that were administered by the Office of~~
9 ~~Criminal Justice Planning be temporarily redirected to the Office~~
10 ~~of Emergency Services (OES) for the 2003-04 fiscal year with~~
11 ~~oversight by the Office of Homeland Security (OHS). It is further~~
12 ~~the intent of the Legislature that domestic violence programs~~
13 ~~within the Domestic Violence Branch and sexual assault/rape~~
14 ~~crisis programs within the Sexual Assault Branch of the Office of~~
15 ~~Criminal Justice Planning, and the Battered Women's Shelter~~
16 ~~Program in the Department of Health Services (DHS), be~~
17 ~~permanently consolidated into one program, office, branch, or~~
18 ~~department, within one state agency, to be created, and referred to~~
19 ~~as the Office for Victim Services (OVS).~~
20 ~~(b) It is the intent of the Legislature that the goal or purpose for~~
21 ~~the OVS~~
22 ~~SEC. 2. Section 13823.13 is added to the Penal Code, to read:~~
23 ~~13823.13. (a) It is the intent of the Legislature that a goal or~~
24 ~~purpose of the Office of Emergency Services (OES) shall be to~~
25 ~~ensure that all victims of sexual assault and rape, including adults,~~
26 ~~children, women, and men, receive comprehensive quality~~
27 ~~services, and to decrease the incidence of sexual assault through~~
28 ~~school and community education and prevention programs.~~

~~(e)~~

(b) For purposes of this section, the OES shall administer ~~victim's~~ *victims'* services programs and require that all grantees providing services shall provide the following eight mandated services, and the OES shall provide financial and technical assistance to sexual assault and rape crisis centers and programs in implementing all of the following services:

(1) Crisis intervention, 24 hours per day, seven days per week.

(2) Followup counseling services.

(3) In-person counseling, including group counseling.

(4) Accompaniment services.

(5) Advocacy services.

(6) Information and referrals to victims and the general public.

(7) Community education presentations.

(8) Rape prevention presentations and self-defense programs.

~~(d)~~

(c) For purposes of this section, the goal or purpose for the OES shall be to ensure that victims of domestic violence receive comprehensive quality services. The OES shall provide local assistance to existing service providers, maintain and expand services based on a demonstrated need, and ~~to~~ develop and establish domestic violence services in underserved areas. All grantees providing services shall provide the 16 mandated services below and the OES shall provide financial and technical assistance to domestic violence shelters in implementing all of the following services:

(1) Emergency shelter to women and their children escaping violent family situations.

~~(2) Legal and other types of advocacy and representation to help women and their children pursue the appropriate legal options.~~

~~(3)~~

(2) Twenty-four-hour crisis hotlines.

~~(4)~~

(3) Counseling.

~~(5)~~

(4) Business centers.

~~(6) Emergency "safe" homes or shelters for victims and families.~~

~~(7)~~

- 1 (5) Emergency food and clothing.
- 2 ~~(8)~~
- 3 (6) Emergency response to calls from law enforcement.
- 4 ~~(9)~~
- 5 (7) Hospital emergency room protocol and assistance.
- 6 ~~(10)~~
- 7 (8) Emergency transportation.
- 8 ~~(11)~~
- 9 (9) Supportive peer counseling.
- 10 ~~(12)~~
- 11 (10) Counseling for children.
- 12 ~~(13)~~
- 13 (11) Court and social service advocacy.
- 14 ~~(14)~~
- 15 (12) Legal assistance with temporary restraining orders;
- 16 ~~devices, and custody disputes.~~
- 17 ~~(15)~~
- 18 (13) Community resource and referral.
- 19 ~~(16)~~
- 20 (14) Household establishment assistance. Priority for financial
- 21 and technical assistance shall be given to emergency shelter
- 22 programs and “safe” homes for victims of domestic violence and
- 23 their children.
- 24 ~~(e)~~
- 25 (d) For purposes of this section, the OES shall conduct a
- 26 minimum of one site visit per grant term to each agency funded to
- 27 provide shelter-based services to battered women and their
- 28 children and sexual assault/rape crisis center. The purpose of the
- 29 site visit shall be a performance assessment of, and technical
- 30 assistance for, each shelter or center visited. The performance
- 31 assessment shall include, but need not be limited to, a review of all
- 32 of the following:
- 33 (1) Progress in meeting program goals and objectives.
- 34 (2) Shelter and center facilities.
- 35 (3) Personnel policies, files, and training.
- 36 (4) Recordkeeping, budgeting, and expenditures.
- 37 (5) Documentation, data collection, and client confidentiality.
- 38 (6) Subsequent to each site visit, the OES shall provide a
- 39 written report to the shelter or center summarizing its
- 40 performance, any deficiencies noted, and any corrective action



needed, pursuant to the timeframe designated in paragraphs (9) and (10) below.

(f)

(e) The funding process for distributing grant awards to victims' services providers who provide assistance to the victims of domestic violence, sexual assault, and rape shall be administered by the ~~OVS~~ OES as follows:

(1) The OES shall administer a comprehensive shelter-based services grant program to battered ~~women's~~ *women* and administer a comprehensive sexual assault/rape crisis program pursuant to this section.

(2) OES shall be responsible for determining the process and whether to grant, renew, or deny funding to any battered women's shelter or sexual assault/rape crisis center or victim services provider (collectively, VSP) applying or reapplying for funding under the terms of the program.

(3) Grants shall be awarded to VSPs that propose to maintain shelters or services previously granted funding pursuant to this section, to expand existing services or create new services, and to establish new battered women's shelters and sexual assault/rape crisis centers and programs in underserved areas.

(4) Grants shall be awarded as a result of a request for ~~application/request for proposal (RFA/RFP)~~ *proposal (RFP)* process. The ~~RFA/RFP~~ *RFP* shall comply with all applicable state and federal statutes for domestic violence shelter funding and sexual assault funding, and shall consist of no more than 25 pages for ~~shelters or centers~~ *VSPs* applying for initial grants; and no more than 10 pages for ~~shelters and centers~~ *VSPs* funded in the previous cycle and reapplying for grants.

(5) A grading system shall be established for the ~~RFA/RFP~~ *RFP* process, and for the appeal process for applications that are denied or that result in funding reductions. A description of this grading system and appeal process shall be provided to all VSPs prior to the VSP applying for grants under this program.

(6) The OES shall determine when circumstances require an expansion of funding to new or previously unfunded VSPs to accommodate underserved areas. If supplemental funding is unavailable, the OES shall have the authority to lower the base level of grants to ~~currently funded VSPs~~ *all currently funded VSPs* by *no more than 10 percent* in order to provide funding for new or

1 previously unfunded VSPs. ~~Funding reductions made to~~
2 ~~accommodate funding for new or previously unfunded VSPs shall~~
3 ~~not be subject to appeal.~~ *Base level funding reductions shall not*
4 *occur during a funding cycle. After the amount of funding*
5 *reductions has been determined, base level funding availability*
6 *shall be provided to applicants prior to the next RFP process.*
7 *Funding reductions made under this paragraph shall not be*
8 *subject to appeal.*

9 (7) VSPs reapplying for grants shall not be subject to a
10 competitive bidding grant process. Any VSP funded through this
11 program in the previous grant cycle shall be refunded, upon
12 reapplication unless its past performance history, evaluated as
13 described in paragraph (8), fails to meet minimum standards,
14 provided however, that the amount funded may be more or less
15 than the previous funding cycle, depending on the amount of
16 funding available.

17 (8) The ~~RFA/RFP~~ RFP process for VSPs reapplying for grant
18 funds shall consist in part of a performance assessment of the
19 VSP's past performance history. The assessment shall be made by
20 the ~~OVS/OVSOB~~ OES and shall include, but not be limited to, a
21 site visit and a review of all of the following:

22 (A) Progress in meeting program goals and objectives.

23 (B) Agency organization and facilities.

24 (C) Personnel policies, files, and training.

25 (D) Recordkeeping, budgeting, and expenditures.

26 (E) Documentation, data collection, and client confidentiality.

27 (9) After each site visit conducted under paragraph (8), the
28 OES shall provide a written report to the VSP summarizing the
29 VSP's performance, any deficiencies noted, any corrective action
30 needed, and a deadline for corrective action to be completed. The
31 OES shall submit its written report to the VSP no more than 30
32 days after the site visit assessment. No reapplication for funding
33 by a VSP funded in the previous grant cycle; shall be denied if the
34 VSP did not receive a site assessment visit ~~during the previous~~
35 ~~cycle and no less than six months prior to next RFP/RFA process~~
36 ~~begins.~~ *that occurred during the previous cycle and at least six*
37 *months prior to the beginning of the next RFP process.*

38 (10) (A) The OES shall establish a grading system for
39 evaluating performance assessments in accordance with specified
40 minimum standards for VSP funding, and shall provide a

description of this grading system to all VSPs receiving grants under this program. VSPs receiving written reports of deficiencies or orders for corrective action after a site visit assessment shall be given no more than six months time to take corrective action before the next ~~RFP/RFA~~ *RFP* process begins.

(11) If corrective action is ordered, and a VSP fails to comply, or if other deficiencies exist that, in the judgment of the OES, cannot be corrected, the OES shall determine, using its grading system where appropriate, whether continued funding for the VSP should be reduced or denied altogether. If a VSP has been determined to be deficient the ~~OVS~~ *OES* may reserve the right to deny any further funding ~~even if the terms of the grant are midgrant funding cycle.~~

(12) If a VSP applies or reapplies for funding pursuant to this section and that funding is denied or reduced, the denial or reduction decision shall be provided in writing to the VSP, along with a written explanation of the reasons for the reduction or denial made in accordance with the grading system for ~~RFA/RFPs~~ *RFPs* or for past performance assessments, or the minimum standards for shelter or centers operations. Any appeal of the decision to deny funding shall be made in accordance with the appeal process established by the OES and made available to all VSPs applying for funding.

~~(g)~~

(f) The OES shall administer grants, awarded as the result of a request for application process, to VSPs to conduct demonstration projects to serve battered women and victims of sexual assault, including, but not limited to, creative and innovative service approaches, such as community response teams and pilot projects to develop new interventions emphasizing prevention and education, and other support projects.

~~(h)~~

(g) As a condition of receiving funding pursuant to this section, VSPs shall do all of the following:

(1) Provide matching funds or in-kind contributions equivalent to not less than 20 percent of the grant they would receive. The matching funds or in-kind contributions may come from other governmental or private sources.

(2) For domestic violence shelters, ensure that appropriate staff and volunteers having client contact meet the definition of

1 “domestic violence counselor” as specified in subdivision (a) of
2 Section 1037.1 of the Evidence Code. The minimum training
3 specified in paragraph (2) of subdivision (a) of Section 1037.1 of
4 the Evidence Code shall be provided to those staff and volunteers
5 who do not meet the requirements of paragraph (1) of subdivision
6 (a) of Section 1037.1 of the Evidence Code.

7 ~~(i)~~

8 (h) The following definitions shall apply for purposes of this
9 section:

10 (1) “Domestic violence” means the infliction or threat of
11 physical harm against past or present adult or adolescent female
12 intimate partners, and shall include physical, sexual, and
13 psychological abuse against the woman, and is a part of a pattern
14 of assaultive, coercive, and controlling behaviors directed at
15 achieving compliance from or control over, that woman.

16 (2) “Sexual assault” means ~~to be assaulted in a sexual manner,~~
17 ~~including rape, and includes all victims of sexual assault, including~~
18 ~~adults, children, women, and men.~~ *sexual battery, as defined by*
19 *Section 243.4 of the Penal Code, or rape, as defined by Section 261*
20 *or 262 of the Penal Code, committed against all victims, including*
21 *children, women, and men.*

22 (3) “Shelter-based” means an established system of services
23 where battered women and their children may be provided safe or
24 confidential emergency housing on a 24-hour basis, including, but
25 not limited to, hotel or motel arrangements, haven, and safe
26 houses.

27 (4) “Emergency shelter” means a confidential or safe location
28 that provides emergency housing on a 24-hour basis for battered
29 women and their children.

30 SEC. 4. ~~(a) It is the intent of the Legislature that, in the future,~~
31 ~~the authority and responsibility for administering the programs~~
32 ~~described in this act be vested with the Office of Victim Services,~~
33 ~~to be created in future legislation, and to be under the authority of~~
34 ~~the Office of Homeland Security.~~

35 ~~(b) It is the intent of the Legislature that the Office of Victim~~
36 ~~Services be administered by a five to nine member board, with~~
37 ~~members appointed by the nomination of victims’ organizations~~
38 ~~and coalitions and the Governor, and confirmed by the Legislature,~~
39 ~~or have members appointed by the Legislature. It is further the~~
40 ~~intent of the Legislature that the board would ensure a close~~

1 ~~working relationship with all of the organizations concerned with~~
2 ~~victims' rights and services, that members of the board would have~~
3 ~~demonstrated an active interest in or have had a direct experience~~
4 ~~with the problems, needs, and treatment of victims of crime, that~~
5 ~~criteria ensuring a sufficient background in victims' issues would~~
6 ~~be established for board members, and that board members would~~
7 ~~serve staggered terms, in order to preserve continuity of~~
8 ~~leadership, with a maximum term of four years. It is also the intent~~
9 ~~of the Legislature that the board would make all final decisions~~
10 ~~regarding grant awards and appeals on grand awards.~~

11 ~~(e) It is further the intent of the Legislature that the board would~~
12 ~~appoint a Victim Services Advisory Committee, to be comprised~~
13 ~~of no more than 25 members that would include victims,~~
14 ~~advocates, and diverse service providers who are knowledgeable~~
15 ~~about victims' issues, that the membership would represent the~~
16 ~~ethnic and geographic diversity of the state, and that the committee~~
17 ~~would assist the board in determining service gaps for victims and~~
18 ~~prepare a strategic plan to ensure a high level of coordination~~
19 ~~between government entities that provide or fund services to~~
20 ~~victims.~~

21 ~~SEC. 5.~~

22 ~~SEC. 3.~~ Section 13823.15 of the Penal Code is repealed.

23 ~~SEC. 6.~~

24 ~~SEC. 4.~~ Section 13823.16 of the Penal Code is repealed.

25 ~~SEC. 7.~~

26 ~~SEC. 5.~~ Section 13823.3 of the Penal Code is repealed.

27 ~~SEC. 8.~~

28 ~~SEC. 6.~~ Section 13837 of the Penal Code is repealed.

29 ~~SEC. 9.~~

30 ~~SEC. 7.~~ Section 13838 of the Penal Code is repealed.

31 ~~SEC. 10.~~

32 ~~SEC. 8.~~ This act is an urgency statute necessary for the
33 immediate preservation of the public peace, health, or safety
34 within the meaning of Article IV of the Constitution and shall go
35 into immediate effect. The facts constituting the necessity are:

36 In order to ensure the efficient and orderly administration of
37 grant programs to assist victims of domestic violence and sex
38 offenses, it is necessary that this act take effect immediately.

O